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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

APR 03 2002

TECH CENTER 1600/2900

Application of: Yguerabide *et al.*

Application No.: 09/932,128

Group Art Unit: 1641

Filed: August 16, 2001

Examiner: To be Assigned

For: Analyte Assay Using Particulate Labels

Attorney Docket No.: 11032-021

**REVOCATION AND POWER OF ATTORNEY BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. 3.73(b)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The Regents of the University of California, organized and existing under the laws of the state of California and having a place of business at 1111 Franklin Street, Twelfth Floor, Oakland, CA 94607 is assignee of record of an undivided part interest in the above-identified application.

Ownership of the entire right, title, and interest in the above-identified application by Genicon Sciences Corporation (formerly Spectrametrix) and The Regents of the University of California is established by an assignment recorded in the United States Patent and Trademark Office ("USPTO") on October 20, 1998 at Reel 9536, Frame 0815, and a cross-assignment recorded in the USPTO on January 8, 2001 at Reel 11441, Frame 0133.

The change of the name of the corporation from Spectrametrix to Genicon Sciences Corporation is evidenced by an Amended and Restated Articles of Incorporation of Spectrametrix, which was filed in the office of the Secretary of State of the State of California on August 31, 1998. A copy of the first page of the Amended and Restated Articles of Incorporation and a copy of a certification by the Secretary of State of the State of California is attached hereto as Exhibit A.

Pursuant to 37 C.F.R. 3.73(b), The Regents of the University of California, hereby seeks to take action in the USPTO in this matter. A separate statement under 37 C.F.R. 3.73(b), revocation and power of attorney executed on behalf of Genicon Sciences Corporation is submitted concurrently herewith.

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The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title of the undivided part interest is in The Regents of the University of California.

The undersigned, whose title is supplied below, is empowered to sign this document on behalf of The Regents of the University of California.

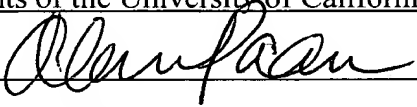
The undersigned assignee hereby revokes all powers of attorney previously given for the above-identified application.

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints: Berj A. Terzian (Reg. No. 20060), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Antler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), James G. Markey (Reg. No. 31636), Thomas D. Kohler (Reg. No. 32797), Scott D. Stimpson (Reg. No. 33607), Gary S. Williams (Reg. No. 31066), Ann L. Gisolfi (Reg. No. 31956), Todd A. Wagner (Reg. No. 35399), Scott B. Familant (Reg. No. 35514), Kelly D. Talcott (Reg. No. 39582), Francis D. Cerrito (Reg. No. 38100), Anthony M. Insogna (Reg. No. 35203), Brian M. Rothery (Reg. No. 35340), Brian D. Siff (Reg. No. 35679), Alan Tenenbaum (Reg. No. 34939), Michael J. Lyons (Reg. No. 37386), Garland T. Stephens (Reg. No. 37242), William J. Sipio (Reg. No. 34514), Nikolaos C. George (Reg. No. 39201), Stephen S. Rabinowitz (Reg. No. 40286), Ognjan V. Shentov (Reg. No. 38051), and Kenneth L. Stein (Reg. No. 38704), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, all of Pennie & Edmonds LLP (PTO Customer No. 20583), as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71, provided that, if any one of these attorneys ceases being affiliated with the law firm of Pennie & Edmonds LLP as

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partner, counsel, or employee, then the appointment of that attorney and all powers derived therefrom shall terminate on the date such attorney ceases being so affiliated.

Please direct all correspondence for this application to Pennie & Edmonds LLP, customer no. 20583, located at 1155 Avenue of the Americas, New York, N.Y. 10036-2711, and direct all telephone calls to Pennie & Edmonds LLP at (212) 790-9090.

ASSIGNEE: The Regents of the University of California  
Signature:   
Typed Name: Dr. Alan Paau  
Position/Title: Director Technology Transfer, U. of CA San Diego  
Address: 1111 Franklin Street,  
Twelfth Floor,  
Oakland, CA 94607  
Date: 3/11/02

## State of California



SECRETARY OF STATE



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this



Secretary of State



R0513400

AMENDED AND RESTATED  
ARTICLES OF INCORPORATION  
OF  
SPECTRAMETRIX

ENDORSED  
FILED

In the office of the Secretary of State  
of the State of California

AUG 31 1990

*Bill Jones*  
Bill Jones, Secretary of State

Patrick Mallon and T. Knox Bell certify that:

1. They are the president and assistant secretary, respectively, of Spectrametrix, a California corporation.
2. The articles of incorporation of this corporation shall be amended and restated in their entirety to read as follows:

ARTICLE I

NAME

The name of the Corporation is GENiCON Sciences Corporation.

ARTICLE II

PURPOSES

The purpose of the Corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

ARTICLE III

STOCK

1. Authorized Shares. The Corporation is authorized to issue two classes of shares to be designated "Common Stock", having no par value, and "Preferred Stock", having no par value. The total number of shares of stock which the Corporation is authorized to issue is Thirty Million (30,000,000), consisting of: (1) Twenty Million (20,000,000) shares of Common Stock; and (2) Ten Million (10,000,000) shares of Preferred Stock.

2. Designation of Series of Preferred Stock. The Preferred Stock may be issued from time to time in one or more series. The Board of Directors is authorized, subject to any limitations prescribed by law, to provide for the issuance of Preferred Stock in series, and by